

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHAMBERLAIN SCHOOL DISTRICT; JIM
ANDERSON, JAY BLUM, JERRI ANN HAAK,
ERIC MILLER, JOEL PAZOUR, ANNETTE
PRIEBE, and KEITH REUER, in their official
capacities as members of the Chamberlain School
Board,

Defendants.

Civil Action No. 4:20-cv-4084

JOINT MOTION FOR ENTRY OF CONSENT DECREE

The parties to this action, the United States of America; the Chamberlain School District; and Jim Anderson, Jay Blum, Jerri Ann Haak, Eric Miller, Joel Pazour, Annette Priebe, and Keith Reuer, in their official capacities as members of the Chamberlain School Board, through their undersigned counsel, respectfully request that the Court enter the Consent Decree attached hereto as Exhibit 1. The parties have negotiated in good faith and wish to resolve this matter without litigation on the terms set forth in the Decree. In support of this motion, the parties stipulate as follows:

1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a), and 52 U.S.C. § 10308(f).

2. The United States' Complaint alleges that the current at-large method of electing the Chamberlain School Board results in a violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. Compl. (ECF No. 1).

3. The parties have agreed to entry of the Consent Decree attached as Exhibit 1. The Decree sets forth a new method of election for the seven members of the School Board, which complies with Section 2 of the Voting Rights Act. Under the new method of election: (i) the Chamberlain School District will be divided into three election districts, each of which elects two Board members; and (ii) the seventh Board member will be elected on an at-large basis. The Decree includes a map of the new election districts and the implementation schedule for the new method of election.

4. On May 26, 2020, the Chamberlain School Board voted to resolve this matter through the entry of this Consent Decree. *See* Exhibit 2 (Chamberlain School Board draft meeting minutes, May 26, 2020).

5. South Dakota law permits school districts to elect board members from election districts and permits the school board to establish those election districts. South Dakota Codified Law § 13.8.7-1.

6. The Consent Decree is fair, reasonable, and adequate. *See E.E.O.C. v. Prod. Fabricators, Inc.*, 666 F.3d 1170, 1172 (8th Cir. 2012). Because the Consent Decree results in a method of election that complies with Section 2 of the Voting Rights Act, it will “further the objectives of the law on which the complaint was based.” *Id.*

WHEREFORE, the parties respectfully request that this motion be granted.

Dated: May 27, 2020

For the United States of America:

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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2020, I filed the foregoing **Joint Motion for Entry of Consent Decree** electronically using the CM/ECF system, and will send a copy of the filing by electronic mail to:

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